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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JELINEK, BRIAN J

ART UNIT PAPER NUMBER

2615

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/001,585

Applicant(s)

SEAMAN ET AL.

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-24, 38-53 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 12-24, 38, 40-42 and 44-53 is/are rejected.  
7) ☒ Claim(s) 39 and 43 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/20/2005 of application no. 10/001,585 in which claims 12-24, and 38-53 are currently pending has been entered.

***Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

Claim 52 is objected to because the claim recites the limitation "the meta-data of the second image is associated with the meta-data" in lines 6-7 of the claim. The Examiner believes the claims was intended to read as "the meta-data of the second image is associated with the second image". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 12, 19, 23, 39-40, 43-44, 46, 50, and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention**

Regarding claims 12, 19, 23, 39-40, 43-44, 46, 50, and 52, the phrase "enabling the captured image to be ordered" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). In particular, enable is defined as: 1. to provide with the means or opportunity 2. to make possible, practical, or easy. As a result, it is unclear if the captured images are actually ordered or are merely capable of being ordered. The Examiner recommends using the language "such that the captured image is ordered in a time sequence" in order to positively recite the claim limitation.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 12-14, 16, 19-24, 40, 44, 46-48, and 50-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans et al. (U.S. Pat. No. 5,946,444).**

Regarding claim 12, Evans discloses a system which receives event bookmarks comprising: an image capture device (Fig. 1, camera 15); a transceiver residing in the

image capture device (Fig. 1, tag reader 113) and configured to receive an event bookmark broadcasted by an event bookmark broadcaster (col. 2, lines 62-65); and a processing device configured to associate the received event bookmark with the captured image and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices (Fig. 1, attraction sites 101-1 to 101-N; col. 3, lines 42-45), the plurality of other images associated with the received event bookmark, wherein the event bookmark is associated with a particular person.

Regarding claim 13, Evans discloses the processing device further comprising a processor configured to execute logic such that the received event bookmark is associated with the at least one captured image (col. 3, lines 42-45).

Regarding claim 14, Evans discloses a memory residing in the image capture device, the memory configured to store the received event bookmark such that the event bookmark is associated with at least one subsequently captured image (Fig. 3, Read Guest's Identification 303 and Record Image 309).

Regarding claim 16, Evans discloses the tags are passive radio devices and the tag readers are radio transmitters and receivers. Furthermore, Evans teaches an antennae coupled to the transceiver and configured to detect radio frequency (RF) signals having the event bookmark because an antennas is inherent when transmitting and receiving radio signals.

Regarding claim 19, Evans discloses a method for receiving event bookmarks, the method comprising the steps of: detecting an event bookmark broadcasted from an event bookmark broadcaster (col. 2, lines 62-65); capturing an image of interest with an image capture device (Fig. 1, camera 15); and associating the captured image of interest with the detected event bookmark and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices (Fig. 1, attraction sites 101-1 to 101-N; col. 3, lines 42-45), the plurality of other images associated with the detected event bookmark, wherein the event bookmark is associated with a particular person.

Regarding claim 20, please see the rejection of claim 14.

Regarding claim 21, Evans discloses generating a time stamp; and associating the time stamp with the captured image of interest and the event bookmark (col. 3, lines 42-45).

Regarding claim 22, Evans discloses communicating the captured image of interest and the associated event bookmark to an image data manager (Fig. 1, processing system 109).

Regarding claim 23, Evans discloses a computer readable medium having a program for associating an event bookmark with a captured image, the program comprising logic configured to perform the steps of: receiving an event bookmark (col. 2, lines 62-65); receiving a captured image of interest from an image capture device (Fig. 1, camera 15); associating the captured image of interest with the received event

bookmark and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices (Fig. 1, attraction sites 101-1 to 101-N; col. 3, lines 42-45), the plurality of other images associated with the received event bookmark, wherein the event bookmark is associated with a particular person; and storing the captured image of interest and the associated event bookmark in a memory (Fig. 1, image storage 123).

Regarding claim 24, Evans discloses storing in the memory a most recently received event bookmark (Fig. 3, Send Guest Identification 303); and retrieving the most recently received event bookmark from the memory in response to the step of receiving the captured image, such that the most recently received event bookmark is associated with the received captured image of interest (Fig. 3, Record Image 309 and Store Guest/Location/Camera/Time Information 321).

Regarding claim 40, Evans discloses the received event bookmark comprises meta-data that corresponds to a predefined occurrence in the event (guest identifier), enabling the captured image to be further ordered in a time sequence with the plurality of other images captured based upon the predefined occurrence in the event (Fig. 3, Store Guest/Time Information).

Regarding claim 44, please see the rejection of claim 40.

Regarding claim 46, Evans discloses a system which receives event bookmarks comprising: an image capture device (Fig. 1, camera 15) that captures at least one image of an event (a user's day at an amusement park); a transceiver residing in the

image capture device and configured to receive an event bookmark broadcasted by an event bookmark broadcaster (Fig. 1, tag reader 113), the event bookmark comprising meta-data relating to at least one predefined occurrence in the event (col. 2, lines 62-65, the presence of a guest); and a processing device configured to associate the received event bookmark with the captured image (Fig. 1, image processing system 109), enabling the captured image to be grouped with at least one other image captured at the event by at least one other image capture device, the grouping based upon the predefined occurrence in the event which is identifiable by the meta-data (Fig. 5, Guest Identifier 503).

Regarding claim 47, Evans discloses the meta-data comprises descriptive information corresponding to the occurrence at the event (a guest identifier).

Regarding claim 48, Evans discloses the meta-data comprises a sequence of alphanumeric characters, wherein one of the alphanumeric characters corresponds to the occurrence at the event (Fig. 5, Guest Identifier 503).

Regarding claim 50, Evans discloses a method for receiving event bookmarks, the method comprising: receiving an event bookmark broadcasted from an event bookmark broadcaster, the event bookmark comprising meta-data (col. 2, lines 62-65); capturing an image of interest with an image capture device (Fig. 1, camera 15); and associating the captured image of interest with the detected event bookmark (Fig. 1, image processing system 109), enabling the captured image to be grouped with at least one other image captured at the event by at least one other image capture device, the

grouping based upon at least one predefined occurrence in the event which is identifiable by the meta-data (Fig. 5, Guest Identifier 503).

Regarding claim 51, Evans discloses storing in the memory a most recently received event bookmark (Fig. 3, Send Guest Identification 303); and retrieving a most recently received event bookmark from the memory in response to the step of receiving the captured image, such that the meta-data of the most recently received event bookmark is associated with the received captured image of interest (Fig. 3, Record Image 309 and Store Guest/Location/Camera/Time Information 321).

Regarding claim 52, Evans discloses storing the event bookmark in a memory residing in the image capture device (Fig. 3, Send Guest Identification 303); capturing a second image of interest with an image capture device; and retrieving the event bookmark from the memory in response to the step of capturing the second captured image, such that the meta-data of the second image is associated with the second image, and enabling the second image to be grouped with the previously captured image and the other image captured at the event by the other image capture device (Fig. 3, Record Image 309 and Store Guest/Location/Camera/Time Information 321).

Regarding claim 53, Evans discloses receiving a second event bookmark broadcasted from an event bookmark broadcaster, the event bookmark comprising second meta-data capturing a second image of interest with an image capture device (Fig. 3, Send Guest Identification 303); and associating the second captured image of interest with the detected second event bookmark, enabling the captured image to be grouped with another image captured at the event by the other image capture device,

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the second grouping based upon a second predefined occurrence in the event which is identifiable by the second meta-data (Fig. 3, Record Image 309 and Store Guest/Location/Camera/Time Information 321).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 15, 38, 41-42, 45, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (U.S. Pat. No. 5,946,444).**

Regarding claim 15, Evans discloses the time is supplied by the control system 121. Evans does not disclose a clock residing in the image capture device, the clock configured to generate a time stamp. However, Official Notice is given that it is old and well known in the art to provide a clock in a camera in order to indicate when an image was captured. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a clock residing in the image capture device, the clock configured to generate a time stamp such that the time stamp is associated with the at least one subsequently captured image and the event bookmark in order to indicate when an image associated with a tagged individual was captured.

Regarding claim 38, Evans does not disclose the received event bookmark comprises a time stamp that corresponds to a time that the event bookmark was broadcast to the image capture device. However, Official Notice is given that it is old and well known in the art to provide data with a time stamp indicating when the data was transmitted in order to determine latency and performance of the communications channel and to ensure the data is current. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the received event bookmark with a time stamp that corresponds to a time that the event bookmark was broadcast to the image capture device in order to determine latency and performance of the communications channel and to ensure the data is current.

Regarding claim 41, Evans does not disclose the time stamp corresponds to a period of time between image capture and receipt of the event bookmark. However, Official Notice is given that it is old and well known in the art to provide data with a time stamp indicating when the data was transmitted in order to determine latency and performance of the communications channel and to ensure the data is current. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the received event bookmark with a time stamp that corresponds to a period of time between image capture and receipt of the event bookmark.

Regarding claim 42, please see the rejection of claim 38.

Regarding claim 45, please see the rejection of claim 41.

Regarding claim 49, Evans discloses the time is supplied by the control system 121. Evans does not disclose the meta-data comprises time information. However, Official Notice is given that it is old and well known in the art to provide meta-data comprising time information indicating when the data was transmitted in order to determine latency and performance of the communications channel and to ensure the data is current. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided meta-data comprising time information, wherein the time information permits identification of the occurrence at the event in order to determine latency and performance of the communications channel and to ensure the data is current.

**Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (U.S. Pat. No. 5,946,444) in view of Mauro (U.S. Pat. No. 5,634,144).**

Regarding claim 17, Evans discloses a radio transceiver configured to detect radio signals having the event bookmark (col. 3, lines 4-15). Evans does not disclose an optical sensor coupled to the transceiver and configured to detect optical signals.

However, Mauro discloses communication with the camera may comprise an optical sensor coupled to a transceiver and configured to detect optical signals (Fig. 2, light beam sensor 52 and light beam emitter 110; col. 4, line 57-col. 5, line 2). One of ordinary skill in the art would have provided an optical sensor coupled to the transceiver and configured to detect optical signals for the purpose of enabling communication with the camera using elements of a light beam auto-focus system already provided in the

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camera (col. 4, lines 57-60). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an optical sensor coupled to a transceiver and configured to detect optical signals having the event bookmark for the purpose of enabling communication with the camera using elements of a light beam auto-focus system already provided in the camera.

Regarding claim 18, Evans discloses a radio transceiver configured to detect radio signals having the event bookmark (col. 3, lines 4-15). Evans does not disclose an infrared sensor coupled to the transceiver and configured to detect infrared signals.

However, Mauro discloses communication with the camera may comprise an Infrared sensor coupled to a transceiver and configured to detect infrared signals (Fig. 2, light beam sensor 52 and light beam emitter 110; col. 4, line 57-col. 5, line 2). One of ordinary skill in the art would have provided an infrared sensor coupled to the transceiver and configured to detect infrared signals for the purpose of enabling communication with the camera using elements of a light beam auto-focus system already provided in the camera (col. 4, lines 57-60). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an infrared sensor coupled to a transceiver and configured to detect infrared signals having the event bookmark for the purpose of enabling communication with the camera using elements of a light beam auto-focus system already provided in the camera.

***Allowable Subject Matter***

**Claims 39, and 43 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.**

Claims 39 and 43, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 39, the reason for allowance is as follows: the prior art does not disclose or fairly suggest a system which receives event bookmarks comprising a clocking device that generates another time stamp enabling the captured image to be further ordered in a time sequence based upon the received event bookmark timestamp, wherein the received event bookmark comprises a time stamp corresponding to a time the event bookmark was broadcast and the plurality of other images are associated with the received event bookmark.

Regarding claim 43, the reason for allowance is as follows: the prior art does not disclose or fairly suggest a method for receiving event bookmarks comprising the step of generating a clocking device timestamp enabling the captured image to be further ordered in a time sequence based upon the received event bookmark timestamp, wherein the received event bookmark comprises a time stamp corresponding to a time the event bookmark was broadcast and the plurality of other images are associated with the detected event bookmark.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
12/21/2005

A handwritten signature in black ink, appearing to read 'D. Ometz', with a long horizontal line extending to the right.

DAVID OMETZ  
SUPERVISORY PATENT EXAMINER